IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11350 of 2004

Between:

Guntuka Mahesh S/o Late Narayana
R/o Sricilla, Sricilla Mandal, Karimnagar District

..... PETITIONER

AND

1 The District Collector (Civil) Supplies), Karimnagar, Karimnagar District
2 The Revenue Divisional Officer, Sircilla, Karimnagar District
3 Commissioner of Civil Supplies, Government of A.P., Hyderabad
4 Tadaka Sudhakar, S/o Narasaiah
R/o Sircilla, Sircilla Mandal, Karimnagar District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in selecting the 4th respondent as Dealer of Fair Price Shop No. 3313 of Sircilla Town, Karimnagar District, vide proceedings dated 25-6-2004 as illegal, arbitrary and contrary to law and consequently set a side the same while directing the respondents-1 and 2 herein to appoint the petitioenr as Dealer of the said Fair Price Shop forthwith

For the Petitioner: MR.C.RAJA SEKHAR REDDY, Advocate

For the Respondent Nos. 1 to 3.: GP FOR CIVIL SUPPLIES

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the second respondent in appointing the fourth respondent as Fair Price Shop Dealer in respect of Fair Price Shop No.3313 of Sircilla Town, Karimnagar District, by proceedings dated 25.06.2004

2. It is the case of the petitioner that he is one of the candidates, who has applied for appointment of Fair Price Shop Dealer. It is his further case that his father has also worked as a Fair Price Shop Dealer for about nine years. Though, the petitioner is fully qualified, the second respondent has selected the fourth respondent, who is not qualified at all for appointment as a Fair Price Shop Dealer. Therefore, he sought for quashing of the said proceedings.

3. Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

4. Admittedly, the petitioner has got a remedy of appeal before the Joint Collector against the order of the Revenue Divisional Officer, the appointing authority. Though, it is stated that the petitioner has filed an appeal before the Collector, the Collector is not the appropriate authority to entertain the appeal. Apart from that the appeal, which is stated to have been presented before the Collector also shows that the same is not in proper form, but it is only a representation. Therefore, this writ petition is dismissed as not maintainable. However, it is open to the petitioner to present the appeal before the Joint Collector in the appropriate form raising all the grounds that are available to the petitioner.

5. With the above observations, the writ petition is dismissed at the admission stage.

06.07.2004

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1 The District Collector (Civil) Supplies), Karimnagar, Karimnagar District
2 The Revenue Divisional Officer, Sircilla, Karimnagar District
3 Commissioner of Civil Supplies, Government of A.P., Hyderabad

4 Two CCs to G.P. for Civil Supplies, High Court of A.P. Buildings, Hyderabad (OUT)

5 Two CD Copies